

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TONY FRANKLIN,	)	
Petitioner,	)	
v.	)	C.A. No. 14-10912-JCB
	)	
IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT,	)	
Respondent.	)	

ORDER FOR REASSIGNMENT

BOAL, M.J.

On March 17, 2014, Tony Franklin, an immigration detainee confined at the Plymouth County Correctional Facility, filed a request for release from detention. The action was randomly assigned to this Court pursuant to the District Court's Consent Program.

In his pro se request, Franklin maintains that, under the principles of due process articulated by the Supreme Court in Zadvydas v. Davis,<sup>1</sup> he is entitled to immediate release. He represents that his removal order became final more than six months ago, that it is not likely that he will be removed to Barbados in the reasonably foreseeable future, and that his country will not take him back.

By Procedural Order dated March 18, 2013, Franklin was granted additional time to either pay the filing fee or file a fee-waiver application. Three days later, on March 21, 2014, Franklin filed an Application to Proceed Without Prepayment of

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<sup>1</sup>Zadvydas v. Davis, 533 U.S. 678 (2001).

Fees. On March 26, 2014, while detained at the Suffolk County House of Correction, Franklin filed a Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241.

In an effort to clarify Franklin's current address, a clerk of this court contacted the Suffolk County House of Correction and was informed that on March 26, 2014, Franklin was "deported to Logan Airport." Therefore, it appears that Franklin may not be in a position to consent to the jurisdiction of a Magistrate Judge and the petitions may now be moot.

Accordingly, this Court directs that the case file be returned to the Clerk's Office for REASSIGNMENT to a District Judge for further proceedings.

SO ORDERED.

April 2, 2014  
DATE

/s/ Jennifer C. Boal  
JENNIFER C. BOAL  
UNITED STATES MAGISTRATE JUDGE